

CITY OF TIGARD, OREGON

ORDINANCE NO. 06- 01

AN ORDINANCE VACATING AN APPROXIMATELY 7,845 SQUARE FOOT PORTION OF AN UN-NAMED PUBLIC RIGHT-OF-WAY WHICH LIES TO THE EAST OF SW 74<sup>TH</sup> AVENUE AND EAST OF THE S P & S RAILROAD RIGHT-OF-WAY, NORTH OF SW DURHAM ROAD, IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON (VAC2005-00003).

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WHEREAS, the Tigard City Council initiated this vacation request pursuant to Section 15.08.040 of the Tigard Municipal Code on December 20, 2005, and has been recommended by the Community Development Department; and

WHEREAS, the approximate 7,845 square feet of unnamed right-of-way to be vacated has never been used for public or private road purposes and is not required for ingress or egress to or from adjoining properties; and

WHEREAS, the applicants have requested that the City of Tigard vacate an un-named public right-of-way approximately 7,845 square feet in area and described in exhibits "A-1 and A-2" and "B-1 and B-2"; and

WHEREAS, the City will no longer have maintenance responsibility for this area; and

WHEREAS, all affected service providers, including utility companies and emergency service providers, have reviewed the vacation proposal and have provided no objections; and

WHEREAS, notice has been mailed to all property owners abutting said vacation area and all owners in the affected area, as described by ORS 271.080; and

WHEREAS, in accordance with Tigard Municipal Code 15.08.120, notice of the public hearing was posted in the area to be vacated and published in the newspaper; and

WHEREAS, the property owners of the majority of the area affected have not objected in writing; and

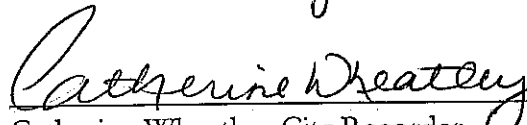
WHEREAS, the City Council having considered the request on February 28, 2006, finds that it is in the public interest to approve the request to vacate said public right-of-way as the public interest will not be prejudiced by this vacation, as provided by ORS 271.120 and TMC Section 15.08.130; and

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:


SECTION 1: The Tigard City Council hereby orders the vacation of said 7,845 square foot portion of public right-of-way as shown and described in the attached **Exhibits "A-1, A-2, B-1 and B-2"** (legal descriptions and map of the area to be vacated), and by this reference, made part thereof.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder and upon recording of a certified copy of the ordinance by the City Recorder.

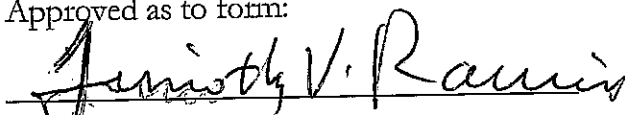
PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 28<sup>th</sup> day of February, 2006.

  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 28<sup>th</sup> day of February, 2006.

  
Craig Dickson, Mayor

Approved as to form:

  
City Attorney

February 28, 2006  
Date

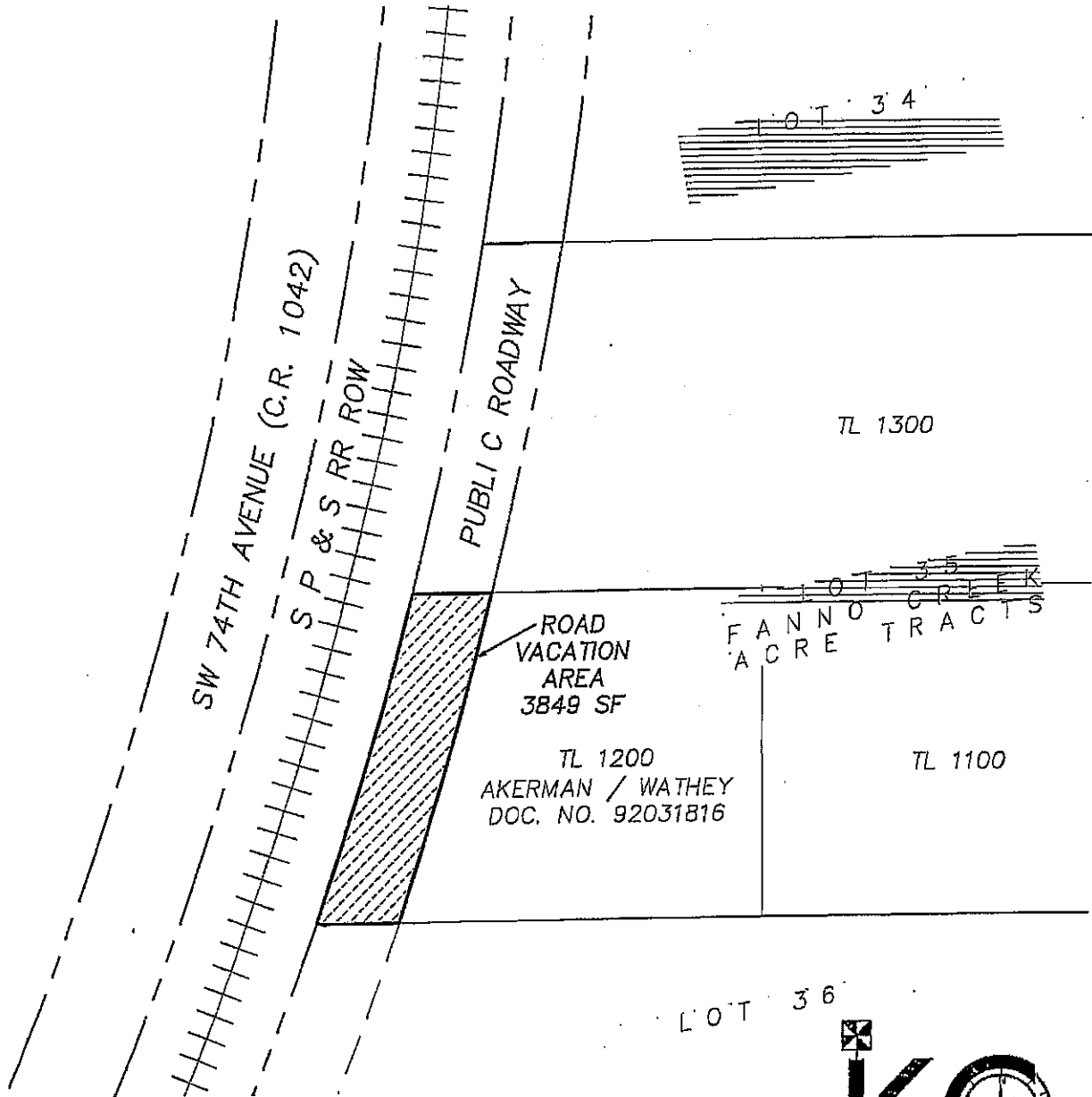
EXHIBIT A-1



## ROAD VACATION SKETCH

LOCATED IN THE SW 1/4 OF THE SE 1/4 OF SECTION 12,  
TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.  
CITY OF TIGARD, COUNTY OF WASHINGTON, STATE OF OREGON

OCTOBER 25TH, 2005



2407 NE 292nd Avenue  
Camas, WA 98607  
360.834.2519  
Fax.834.5498



PROVIDING SURVEYING AND PLANNING SERVICES WITH A PERSONAL COMMITMENT TO EXCELLENCE.

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EXHIBIT A-2

2407 NE 292<sup>nd</sup> Avenue  
Camas, WA 98607  
360.834.2519  
fax.834.5498  
c.halcumb@verizon.net

Legal Description  
30-foot Wide Public Right of Way Vacation  
October 25, 2005

A portion of that 30-foot wide roadway dedicated to the public by Fanno Creek Acre Tracts, a Plat of Record in Book 5, Page 14, Washington County Survey Records, Situated in the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 12, Township 2 South, Range 1 West, Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon, being more particularly described as follows:

All of said 30-foot wide roadway lying West of Lot 35, Fanno Creek Acre Tracts, lying East of the S P & S Railroad 50-foot wide Right of Way, lying North of the Westerly Extension of the South line of said Lot 35, and lying South of the Westerly extension of the North line of that Tract of Land described in deed to Richard D. Akerman and James E. Wathey, recorded in Document Number 92031816, Washington County Deed Records.

Containing 3,849 Square Feet.

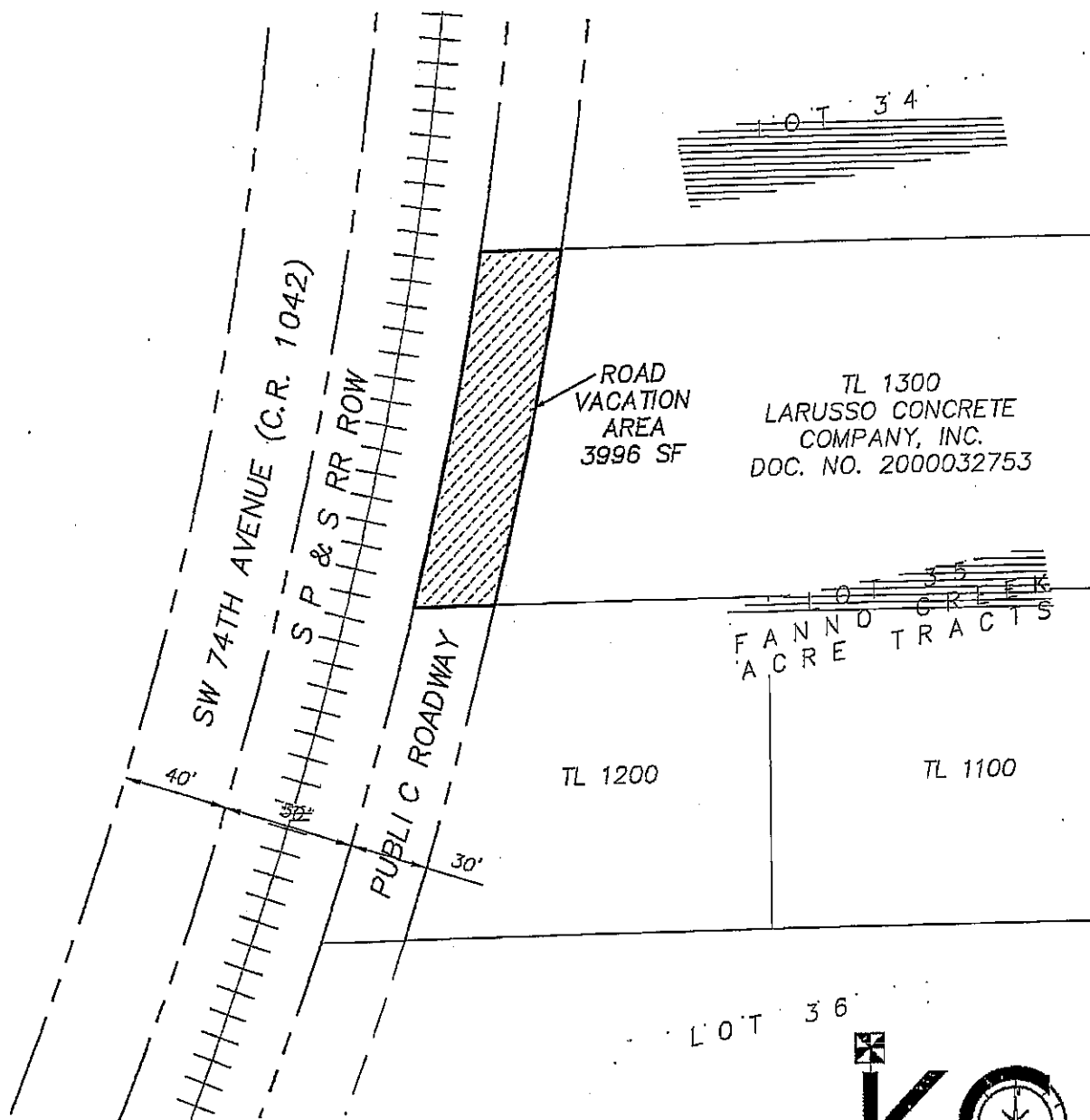
## EXHIBIT B-1



## ROAD VACATION SKETCH

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Containing 3,996 Square Feet.